

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PURCELL BRONSON, et al.,	:	
	:	
Petitioner,	:	
	:	
v.	:	CIVIL ACTION NO. 3:01-CV-0026
	:	
MARTIN F. HORN, et al.,	:	
	:	(JUDGE CAPUTO)
	:	
Respondent.	:	

ORDER

Petitioner Purcell Bronson is one of four inmates who initiated a civil suit to challenge the legality of DOC Policy 6.5.1. (Doc.348 at 1.) The case was tried before this Court without a jury on July 11, 2005. *Id.* On August 16, 2005, judgment was entered in favor of Plaintiffs and they were awarded nominal damages of one (1) dollar each. *Id.* at 11. Petitioner then filed a Notice of Appeal on September 15, 2005. (Doc. 351.) Petitioner filed the present Affidavit accompanying Motion for Permission to Appeal in Forma Pauperis (Doc. 358) without actually filing an application or motion for *in forma pauperis* status. In absence of such a motion, the Court will construe the Affidavit as an application and review the Petitioner's *in forma pauperis* status on appeal in accordance with Rule 24(a)(1) of the Federal Rules Appellate Procedure.

The Court has discretion to grant *in forma pauperis* status. *Goldstein v. Timoney*, No. 01-481, 2001 WL 179868 at *1 (E.D. Pa. Feb. 20, 2001). "Poverty sufficient to qualify for in forma pauperis status does not require penniless destitution." *Id.* (alterations omitted) (citing *Ward v. Werner*, 61 F.R.D. 639, 640 (M.D. Pa. 1974)). "[T]here exists no fixed net worth which disqualifies a party as a pauper." *Id.* Petitioner submits an affidavit stating that he earns on average, \$201.72 a month from employment

and gifts. (Doc. 358) He also indicates that he has no other assets or sources of income. *Id.* I find that Plaintiff is unable to pay filing fees or give security, and, as such, he qualifies for *in forma pauperis* status.

NOW, this 6th day of December, 2005, **IT IS HEREBY ORDERED** that Plaintiff's Affidavit accompanying Motion for Permission to Appeal in Forma Pauperis (Doc. 358), construed by the Court as an application, is **GRANTED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge